

**MINUTES OF THE SPECIAL CITY COMMISSION WORKSHOP
FEBRUARY 3, 2003**

The City of Leesburg Commission held a special workshop Monday, February 3, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:30 p.m. with the following members present:

Commissioner David Knowles
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Clerk/Finance Director (CC/FD) Tom Klinker, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Betty Richardson, the news media, and others.

Bishop Danny Williams, Citadel of Hope Church, gave the invocation followed by the Pledge of Allegiance to the Flag.

**DISCUSSED THE RELATIONSHIP BETWEEN THE CITY COMMISSION AND THE
FINANCE DIRECTOR**

Mayor Connelly advised the agenda for this meeting is to discuss the relationship between the City Commission and the Finance Director. He requested the discussion be in the context of principles not personalities.

Mayor Connelly stated the City Attorney will give an overview of the item, the City Clerk/Finance Director will give his opinion about the issues, and then the Commission will discuss the issue.

CA Morrison gave the historical overlay of the current city charter, which dates back to the 1920s. For a significant portion of that time, the charter provided for the City Clerk and the City Manager to be hired by the City Commission and was noticeably silent on the nature of the relationship and the hierarchy between the City Clerk and the City Manager.

In the late 1970's, the City Clerk and the City Manager were in conflict over who was in charge. The Commission passed an amendment to what was formerly a charter provision outlining the duties of the City Clerk specifying by ordinance that the City Clerk would still be hired by the City Commission, but would work under the supervision of the City Manager. This created a "hybrid" situation where the Commission hired and fired the Clerk, but the City Manager supervised the day-to-day activities of the Clerk. That situation continued until the 1980's when there was another dispute between a different City Clerk and a different City Manager. The Commission at that time took no formal action, but discussed it at length. The Commission said there would only be "one captain at the helm of the ship," and they reaffirmed the City Manager would have supervisory capacity over the City Clerk position.

CA Morrison advised CM Stock requested an opinion as to the relationship between Clerk and Manager based on his evaluation of the situation that by passing an ordinance in the 1970's, the Commission placed the City Clerk provisions in the ordinances rather than as a portion of the charter. Florida law specifies the charter takes precedence over the ordinance. This created

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conflict because the charter states the City Manager will hire and fire all employees of the City. Section 2-191 of the Code of Ordinances says the City Commission will hire and fire the Clerk. After review, CA Morrison said he reached the same conclusion as CM Stock. Because the charter governs the ordinances, CM Stock would have the authority to hire and fire all employees and the ordinance to the extent it conflicts would be null.

CA Morrison quoted a case in South Florida in which the charter specified the City Manager would hire/fire all employees. An ordinance created an independent golf commission to oversee the operations of a municipal golf course and vested that commission with the ability to hire/fire a golf pro who would be a city employee. The Commission entered into a contract with the golf pro, but when the issue was raised, the courts determined that only the City Manager could hire/fire city employees and deemed the contract void.

CA Morrison stated he had rendered an opinion somewhat different in 1996 based on questions CM Otte posed to him about what he could do to discipline City Clerk/Finance Director Jim Williams. CA Morrison said he reached the wrong conclusion based on questions posed by CM Otte. He said in his own defense, he had been taken out of the loop of day-to-day City business by a change in the makeup of the City Commission, which had new members to “sweep out the old, bring in the new” and Steve Johnson replaced him as the Commission’s attorney. When the question came to him, it came in the abstract without any background on it and he simply reached the wrong conclusion based mostly on the isolation of information and the fact the City had acted in that same way for years.

CA Morrison advised there had been no change in the way the Clerk was hired and the intent apparently of the Commission in 1978 was to retain the ability to hire/fire the Clerk. They just did not go about it in the right way. Had they made another change in the charter to amend the City Manager’s duties to exclude the City Clerk/Finance Director, they would have reached where he thinks they probably intended to be. Because the Commission at that time did not make the change, the current situation exists, in his opinion. Therefore, the City Commission lacked the authority to enter into a contract with a city employee other than the City Manager, and CC/FD Klinker’s contract was not any good from the start. He offered some options to remedy the current situation:

1. Take no action – which would leave the conflict in place. His opinion is the City Manager would hire/fire/evaluate the City Clerk because the charter takes precedence. He stated he is not in favor of this option.
2. Amend Section 2-191 of the Code of Ordinances to clarify the City Manager does have authority to hire/fire/evaluate the City Clerk position.
3. Change the charter provision to exclude the City Clerk from the City Manager’s authority to hire/fire and make the position hired/fired/evaluated by the City Commission as has been the course of conduct for many years.

CA Morrison said as a result of conversations with each Commissioner, he senses the Commission prefers option 2. He presented an ordinance outlining the second option. He also said he had a draft of the third option, if the Commission favors that option.

CA Morrison advised in the course of his discussions with the Commissioners and the City Manager, other concerns surfaced. He outlined the concerns:

1. Dealing fairly with CC/FD Klinker – CC/FD Klinker, regardless of the legal mess, came to City under the impression that he was hired/fired/evaluated by the City Commission and was

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given a contract with certain privileges which differ from those afforded other department heads. CM Morrison presented a proposed resolution that would enable the City Manager to deviate from the City's personnel policies and honor CC/FD Klinker's contract for the remainder of the approximately 2.5 years term, except for the automatic renewal provision. At end of contract, the position would revert to a regular department head position. The Commission could, at that time, grant another waiver and extend the clerk a different type of benefit package from other department heads. This resolution would enable the Commission to honor the spirit, if not the letter, of CC/FD Klinker's contract and afford him the benefits he bargained for except for who could fire or evaluate him and the automatic rollover provision.

2. System of checks & balances – Commissioners expressed concern that if the Clerk were subordinate to the City Manager, the Clerk would be reticent to bring to the Commission financial irregularities or deviations from policy out of fear of being disciplined or terminated in retaliation for bringing the issues to light. CA Morrison stated the comments are not intended for Mr. Klinker, but for the position and hopes no offense will be taken.

CA Morrison stated he contacted Mark White at Purvis Gray (the City's auditing firm) to discuss the issue. Mr. White suggested an option IF the Commission makes the clerk position subordinate to the City Manager. He suggested creating an audit committee, composed of Commissioners, City Manager, City Clerk/Finance Director, and other staff members or members of the public, who would by ordinance, be given the duty to advise the Commission of any deviations from policy, financial irregularities, or anything of which the Commission should be aware. This will institutionalize some system of checks and balances and will deal with concerns of how long it takes to receive a report of the financial condition of the City through the audit process.

CA Morrison advised the letter from Purvis Gray presented at this meeting, clarifies that Mr. White is not advocating this type of change, but suggested the audit committee as an option if the Commission decided to make the City Clerk/Finance Director position subordinate to the City Manager.

3. Open communication between the Commission and staff - CM Stock has drafted a policy memorializing how communication between the Commission and staff will take place. This policy will come to the Commission for adoption. The goals are two fold to facilitate the type of communication for which the Commissioners have expressed a desire. Information requested by one Commissioner that may be of interest to all Commissioners should be sent to all Commissioners. Staff should be able to answer simple questions, but if of interest to all Commissioners, then information should go to all five commissioners.

CA Morrison advised that the course of action the Commission favors will be on the February 10, 2003, Commission Agenda for first reading of the ordinance.

CC/FD Klinker stated he has done extensive research on the history of the organizational structure of the City of Leesburg and finds that a number of facts have not been provided to the Commission or have been misrepresented in the information. He quoted from the City's charter of 1920, "There shall be a City Clerk and Auditor, who shall be appointed by and serve during the pleasure of the City Commission who, under the supervision of the City Manager, shall be the director of the department of records and taxation."

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CC/FD Klinker advised he prepared an information packet for each Commissioner, but the City Manager has prohibited him from communicating with the Commission, both verbally during his meeting with the City Manager December 31, 2002, and in writing December 30, 2002. He said he would not proceed unless he is given some assurances by the Commission that he will not be subject to CM Stock's edict.

Mayor Connelly requested CC/FD Klinker to pass out the information packet under the authority of the Commission.

CM Stock stated, for the record, his failure to respond does not indicate an agreement that he believes Mr. Klinker has ever been threatened.

Mayor Connelly requested CC/FD Klinker to proceed. He requested no dialogue until CC/FD Klinker completed his presentation.

CC/FD Klinker said he feels the facts are on his side. He has come to the realization that both the nature and timing of this issue have nothing to do with State or Federal law, the City charter, the Code of Ordinances, or his contract. His job is to insure the policies established by the City Commission are consistently followed. CC/FD Klinker said when he has taken matters to the City Manager that appear not to be in compliance with the written policies of the City and suggested ways to bring the issues into compliance, he was threatened and told he is was not a team player. This is not just about him, this is about protecting the City. Part of the responsibility assigned directly to the City Clerk in the Code of Ordinances requires him to serve as a compliance officer (section 2-205 of the Code). He said he is aware of a number of instances where the City Manager has violated both City policies and state laws. He has taken those issues to the City Manager. Many times the City Manager was already aware of the violations, but ignored them. CC/FD Klinker said the City Manager now believes he has found a legal way to silence him and prohibit him from talking to Commissioners and Commissioners to him. CC/FD Klinker gave examples of why he feels the City Manager wants to silence him:

1) 2001-2002 budget – funds were adopted to provide for an anniversary merit increase of 4% or 5% for employees – a Department Head received a 15% merit increase; other individuals received raises of 10% or greater, and others have received increases greater than 6%, 2) Purchasing policies are not being followed such as the audiovisual equipment for the Commission room and the Electric Department in excess of \$60,000.00.

CM Stock asked if this process is going to be allowed to become a “he said/she said” argument. He said he did not know he was going to be evaluated or his job would be on the line at this meeting. He thought the discussion was on the way in which the City Commission would work with the Finance Director. In the City of Leesburg when someone is not doing their job and is questioned about it, they challenge the performance of the person who raises the question.

Mayor Connelly said he had earlier asked the City Attorney what the duty of the Commission is in addressing the complex issues that may arise. He also asked the City Attorney if it would be appropriate to hear from the City Clerk/Finance Director and whether or not there would be any restraints as to the nature of his discussion.

Mayor Connelly asked CA Morrison if the discussion should be halted, revert to the original intent, and not permit discussion of CC/FD Klinker's opinion of why these actions have been taken.

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CA Morrison advised the Mayor as the presiding officer, he has the ultimate decision of what will or will not be allowed. He said his analysis is there is a discrepancy between the code and the charter. CC/FD Klinker's memo appears to dispute his interpretation of the charter. In terms of relevance, I can understand CC/FD Klinker's desire to use this forum in an attempt to present his defense to everything raised since December, but he cannot see the relevance of his course of action to the question of how the Commission resolves the conflict between the charter and code. He said if he were a judge hearing a case involving this legal issue between charter and code, he would find CC/FD Klinker's presentation not relevant.

CC/FD Klinker said he would prefer not to have this discussion in this forum, but he has been prohibited for the past thirty-five days from speaking to the Commission directly about the issues. He is trying to "drive home" a point about why there is a need to have a separation of duties and a checks and balances which have existed in this City for the past eighty years.

Mayor Connelly said in view of his opening statement about dealing with principles not personalities, this meeting will revert to the original intent, and discuss the conflict between the charter and code of ordinances. He suggested the possibility of another forum for discussion of personal differences relating to the conduct of CC/FD Klinker's duties and how the City Manager is interpreting CC/FD Klinker's job performance.

CC/FD Klinker said if he is prohibited from bringing these concerns, first to the City Manager and then to the City Commission if unresolved, then he cannot do his job regardless of his supervisor. He said the state, county, and city have been constituted this way, and Leesburg has been this way for the last 80 years. The clerk's job, contract or not, is to insure compliance. He said he has faithfully performed the duties prescribed and trusts the City Commission's judgment to make the right decisions for the City of Leesburg.

CM Stock stated the question tonight is the form of Leesburg's government, which is modeled after the American corporation, not after the constitution. The City Manager's office is not an equal or separate branch of Leesburg's city government. The City Manager serves at the pleasure of the Commission and is charged with running the day-to-day operations of the business. He said he failed to find one corporation where there are two presidents. The Commission-Manager form of government started in 1908 in Virginia. Since 1915, there has been a model charter adopted by the National League of cities, with the eighth version adopted last fall. In none of the model charters have there been two separate independent chief executives for a city. He recognizes he is perhaps the first City Manager to try to develop a true team approach to Leesburg. He has twelve department heads and three staff members in his office, including himself. In the team approach, as staff presents matters to the Commission, recommends courses of conduct, and seeks new issues, he guarantees all issues will not have all fifteen members of the team in 100% agreement at all times. Members within that team owe a certain responsibility to the team. One responsibility is to try to work together to accomplish common goals to make the City successful. When team members pull in opposite directions, it blunts each other's actions and accomplishes less for the citizens.

CM Stock said, to have a successful team, the appropriate position for the Finance Director is under the supervision of the City Manager. The City of Leesburg is unique in the way it has been operating. Mark White of Purvis, Gray told him the City has gone far and above any other City in having the separation of responsibilities. The standard in the nation and Florida is to have the Finance Director serve under the supervision of the City Manager. The City has an audit, which gives the Commission a check to make certain that matters are performed correctly. As part of the independent audit, the Commission receives a management letter setting forth any

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irregularities. CM Stock said Commissioner Perry has expressed concern about the timing of the audit. CM Stock advised the hospital, under state statute, has a compliance officer that makes sure all procedures are followed before the Chief Executive Officer signs documents. It will take time for research to determine if this procedure is appropriate for Leesburg. He said he is not opposed to that format, but the Commission as a whole should direct staff to do that research.

CM Stock said the issue tonight is to determine if the Finance Director will work for the City Manager. He requested the Commission support the teamwork concept of management.

CC/FD Klinker said he has been waiting since his meeting with CM Stock December 31, 2002, for examples of how that teamwork approach has not happened. He stated he is aware of several cities in Florida that have a City Clerk/Auditor or a City Clerk/Treasurer. He is not certain why it is necessary after eighty years to change the form of government to correct a problem he is not sure exists.

Commissioner Lovell said he was not aware of any problems between the Finance Director and the City Manager. He stated as far as he is concerned, there is not any reason for this meeting. He advised shortly before he came on the Commission eighteen years ago, the City Manager and Clerk/Finance Director were at odds and the matter supposedly had been settled. The Commission answered the question clearly and the City Clerk/Finance Director at that time eventually left the City. There has never been any doubt the City Clerk/Finance Director works under the City Manager. If the City Manager can no longer work with the City Clerk or there is malfeasance or other problems, he recommends the Commission terminate the City Clerk/Finance Director. The only thing different is the City Attorney giving a legal opinion, which changed the fact of who would fire or hire the City Clerk/Finance Director. When Jim Williams was hired, it was a joint effort between the City Manager and the City Commission. Also, the City Manager, in those days Rex Taylor, included the Commission in the hiring process of key positions, such as the Assistant City Manager. When Mr. Otte was the City Manager, he went strictly by what he thought the code said. He left the Commission out of those affairs, whereas Rex Taylor did not. It was a substantial change in that policy.

Commissioner Lovell thinks CC/FD Klinker is entirely right when he said in 1920, the Commission felt there should be a check and balance system in a small city, but it created a two-headed monster. That was resolved in 1978. It was an impossible idea to have two heads at the City. He is under the impression the City has one City Manager and the City Clerk/Finance Director works under him. This Commission does not want to go back to 1920.

Commissioner Perry said Commissioner Lovell hit it right on the head. If you look at the charter and the ordinance, the Commission has a housekeeping item to complete. The charter is clear the Finance Director works under the supervision of the City Manager. The intent of the ordinance is that the Finance Director works for the City Manager under his supervision, however, he works at the pleasure of the City Commission. If the City Manager had a problem with the performance of the Finance Director, he would come to the Commission, give his reasons to terminate the Finance Director and recommend termination. He said this is a paperwork situation that needs to be remedied. He commented that in his five years on the Commission, he has been pleased beyond description with the performance of the Finance Director and City Manager roles and the staff from the ditch diggers to the City Manager for having a team concept.

Commissioner Perry stated the Commission must have some kind of compliance check. The charter and code are clear in that the City Clerk is the compliance officer and it is his

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responsibility and role to deal with compliance issues. Hopefully, issues are dealt with internally, but if gets out of hand they come to the Commission and that is the automatic checks and balances talked about.

Commissioner Knowles said Fred Morrison has been the City's Attorney for some years and he trusts his opinions completely. He believes CA Morrison's most recent opinion is the most accurate opinion. Commissioner Knowles feels CA Morrison regrets his opinion on a small portion of the code a few years ago. The role of checks and balances does not particularly concern him at this time. The character and personalities before us are very high quality. He said he evaluated both CM Stock and CC/FD Klinker recently and rated each of them at extremely high levels. He does not question the integrity of either man. The Commission's role may not have been to hire/fire the City Clerk/Finance Director and he will yield to the City Attorney's legal opinion. He said he does want open communication with department heads. He said he is a social creature and wants to be able to ask questions of staff without his questions being displayed to other Commissioners. He said he hopes the City can get to a quieter, gentler group. To eliminate some of the friction, he might prefer to see someone other than City Clerk/Finance Director Klinker as the compliance officer. Commissioner Knowles said he is happy to see the provision to extend the contractual relationship expressed to CC/FD Klinker.

Commissioner Puckett said he finds the working relationship between the two men to be more severe than he knew and pasting bureaucracy on top of this situation will not solve the problem. In a corporation, there can only be one CEO. He expressed concern over the two men still being able to work together.

Commissioner Lovell said the City has one head and will go with option 2. He wants to see this cleaned up once and for all. There has never been any question about CC/FD Klinker's competency. Staff has to work as a team and once consensus is reached, it has to be followed.

Commissioner Perry suggested a way to correct the paperwork; option 1A - preserve the intent of option 1 and clarify the Finance Director works for the City Manager and preserve the intent that there are limitations regarding the role in compliance with the checks and balances issue. Commissioner Perry's choice is option 1A. He said he feels CC/FD Klinker and CM Stock are too close to the issue to resolve it and this is the Commission's job. The only one that can bring this to a consensus is the City Attorney without any input from CC/FD Klinker or CM Stock. The Commission has a letter from Purvis Gray, and a letter from CC/FD Klinker today that no one has reviewed. He requested CA Morrison to review the situation and give the Commission two or three options to correct the paperwork, so the issue can be closed.

CM Stock said the letter from Purvis Gray presented today shows they did not want to be seen as taking a position of supporting either position.

CC/FD Klinker said, for the record, regarding the issue of one man at the helm, he recognizes that the City Manager is the Chief Administrative Officer of the City and also recognizes the provisions set forth in the Code and what it says about under whose supervision he serves. CM Stock is the Chief Administrative officer of the City and he has no quarrel with that provision.

Commissioner Puckett said he has not had a problem rating the City Manager each year because he has quite bit of interaction with him. He finds it very difficult to rate the Finance Director. Few people are qualified in the finance field and it is difficult to make a decision on whether he is doing a good or bad job.

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Commissioner Perry said he agrees and part of the supervisory role is to do the evaluation of the City Clerk/Finance Director. The City Manager should rate the Finance Director.

CA Morrison said he appreciates Commissioner Perry's faith in him. He will evaluate the situation again, but is 99% sure he will come back with the same options. Regardless of what may be in CC/FD Klinker's memo, because CC/FD Klinker disagrees with him tells him there is at least an ambiguity that needs to be resolved. CA Morrison said he see it as an either/or situation. The issue should be resolved either in favor of the City Commission retaining/having the authority to hire and fire the City Clerk or having the City Manager perform those duties. Those options are already before you and staff is looking tonight to have the Commission give some idea of which of the two options they will support. If the Commission prefers, both options can be brought up for first reading but this could create be an awkward situation. The Commission's decision tonight does not have to be written in stone; it can be changed.

Mayor Connelly polled the Commission on which action to be taken.

Commission Lovell stated, for the record, he prefers Option 2 with the attorney's recommendation about CC/FD Klinker's contract fulfillment.

Commissioner Knowles said initially he have would have suggested option 1 and have the matter resolved quietly. If action is required, Option 2 is his choice. During this discussion, it appears most of the Commission believes the Finance Director works for the City Manager and if the Commission is removed from the hiring/firing, the Finance Director would not be under double jeopardy. There may be less scrutiny of the Finance Director with option 2.

Commissioner Puckett said he approves Option 2.

Mayor Connelly said he would have liked this issue to come before the Commission at the beginning of the situation instead of at the end because all of us would have been aware of why the actions were necessary. This Commission has been accustomed to following this procedure with the City Clerk/Finance Director for a long time. Suddenly, it came about there were problems with the charter and the code. The City Manager took action and then the Commission was advised. He said he can understand the impact the stipulations placed on CC/FD Klinker regarding the contact with the Commission had on him because he thought he had a contractual agreement with the City.

Mayor Connelly said what concerns him is this city is larger than two men. The Commission must resolve the issues between the two positions leaving out the personalities that will create a favorable working condition whereby these two men can work. If the City Manager and Finance Director are crooked, then there goes the check and balances discussed. The City Clerk should feel safe in doing his job without having fear or intimidation on the part of the City Manager. He should be able to give the Commission proper information without fear of retaliation. The City Manager should be able to depend on the City Clerk to give him concise information that would aid him in determining the budgetary needs of the City. Aside from that, the City deals with the public and when they see dissention at the top, when staff sees dissention at the top, it impacts the public and those persons in the workforce. Also, how do the other department heads feel in terms of this contention between the two persons? He also expressed concern about the ongoing relationships and whether or not there can be an environment whereby the City Clerk/Finance Director can feel safe and secure and the City Manager can feel safe and secure about working with each other. It is imperative the Commission resolves these issues as fast as possible so the City can go about the business of what we have been constitutionally instructed to do. He

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requested whatever stipulations needed to insure the City Clerk/Finance Director does not have to be concerned about intimidation and can work in an environment whereby he can report to the Commission freely be added to the ordinance. The Commission agreed that option 2 is the option to be presented at the next meeting.

CA Morrison said he can attempt to draft into the ordinance some of the protections listed in Mayor Connelly's comments.

CM Stock spoke in favor of the resolution provided. He has had an opportunity to speak with all Commissioners and Commissioner Perry has made a very good point. Commissioner Perry said everyone has been working under the assumption that the Finance Director worked for the Commission under an adopted contract. Regardless of the legal niceties, the City would look bad as a community, if a promise were made and not kept. The City Manager is required to follow the policies set forth by the Commission. The personnel policy rules and regulations do not provide for contracts, severance pay, additional amount of vacation, etc. for department heads. But think of this from CC/FD Klinker's point of view, when he was first hired he was interviewed by the Commission and accepted a contract offered by the Commission. CM Stock said he thinks it is fair to honor his contract. If the Commission adopts option 2, CM Stock said he does not have the ability to honor the contract. If the Commission adopts the resolution to give him an exception from the personnel rules and procedures, which gives the ability to honor the contract, he will be happy to do so and will speak in favor of adopting the resolution.

CC/FD Klinker said CM Stock has had the opportunity to speak to each of the Commissioners in the last five weeks, but he has not had that opportunity. He would appreciate if the Commission would give a directive that would allow him to speak to Commissioners individually. He said he feels the option CM Stock favors is not in his best interest and asked for permission to feel free to have open communication with all the Commissioners so they can deliberate this issue.

Mayor Connelly said the system talked about tonight will permit the Commissioners to talk to department heads. He would like this "no communication thing" resolved until the Commission has formalized the position of the Commission.

DCC Richardson advised the ordinance can be placed on the February 10, 2003, agenda. The next agenda review is tomorrow at 10:00 a.m.

CM Stock gave a circle analogy saying a person has the ability to do everything in the square as long as you stay in the circle and avoid the corners. Or, he could say a person cannot do anything unless it is within the circle. He is essentially describing the same area, the 95% of the area that falls within the circle. The letter he sent to CC/FD Klinker tried to make the point of which of the two ways a person identifies that 95% where communication is allowed, depends on the emphasis you are trying to give. He said he was trying to give a certain emphasis. He said the point he was getting to is the department head owes a responsibility to the team. When you have a responsibility to the team, you try to support the decisions of the team even if you do not agree with the decision. There should never be any limitation on any Commissioner asking for facts. He said he expects staff to be responsible to make sure all Commissioners receive information or advise him so he can make the decision on whether to send the information to all Commissioners. He is concerned about opinions, not facts, being given and was trying to place some limitation on opinion. He said he thought he had approached it in the correct way. In relationship to this ordinance or this proposed resolution and its discussion and adoption at Commission agenda, CM Stock told CC/FD Klinker in an open meeting he had the right to contact the five Commissioners and communicate any opinion he has in relationship to them.

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Apparently, this is an important issue specifically to CC/FD Klinker personally. CM Stock said any lobbying CC/FD Klinker wants to do privately with any of the Commissioners on these issues before they are voted on is just fine with him.

Mayor Connelly asked where is the process in terms of CC/FD Klinker's relationship with the Commission and his contract with the City, since tonight the Commission agreed on option 2. CA Morrison said it continues to be his opinion that because the City Clerk provision is in an ordinance and the charter gives to the City Manager the authority to hire and fire city employees, the charter takes precedence and under existing provisions, CM Stock would have the ability to hire and terminate the City Clerk position. That is where the issue stands today and also where it will stand under option 2, with the exception that he will work into the ordinance some prohibition against retaliatory conduct for the performance by the Clerk of the duties assigned to him by ordinance as the compliance officer.

Commissioner Puckett said he does not have a problem allowing Commissioners to talk to department heads, but the Commission should never give direction to staff.

Commissioner Perry said all employees should have free access to their Commissioners. He wants to hear from the employees.

Commissioner Knowles moved to adjourn. Commissioner Lovell seconded the motion and it carried unanimously. The meeting adjourned at 6:54 p.m.

Mayor

ATTEST:

City Clerk

Betty M. Richardson

Recorder

MINUTES 030203